THE BOMBAY FERRIES ACT, 1868.

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BOMBAY ACT No. II OF 1868 [a].

(*The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 17th December, 1868.*)

An Act to amend the law relating to public ferries in the Presidency of Bombay.

WHEREAS it is expedient to amend the law relating to public ferries in the Presidency of Bombay; It is enacted as follows :— Preamble.

1.—[*Repeal.*] *Repealed by Act XII of 1873.*

[a] Bom. Act II of 1868 has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix to Vol. I of this Code, p. xxxiv.

The net proceeds of public ferries established under Bom. Act II of 1868, and all penalties inflicted and levied under the Act, are to be credited to the Local Fund constituted by Bom. Act I of 1884—see s. 44 of that Act, in Vol. III of this Code.

Government may constitute public ferries, establish new and discontinue existing ferries.

2. It shall be lawful for Government to declare by notification what ferries within the Presidency of Bombay shall be deemed public ferries, and also, by notification from time to time, to establish any new public ferry or discontinue any existing public ferry.

Rates of toll.

3. Tolls, according to such rates as shall from time to time be approved by Government, shall be levied upon all passengers, carts, carriages, cattle and other animals, and on all goods and merchandise, carried over any public ferry:

Exemption from toll.

Provided always that no tolls shall be levied from—

(*a*) any soldier in uniform on duty:

(*b*) any Police-officer in uniform on duty:

(*c*) any person in the custody of the Police:

[a](*d*) any person whom the Governor in Council shall, by notification in the Bombay Government Gazette, deem fit specially to exempt from payment of such tolls.

Appointment and salaries of toll-keepers, etc.

4. It shall be lawful for Government to provide for the appointment of toll-keepers, ferrymen and other servants for the management and conduct of any public ferry; and the salaries of such persons shall be defrayed from funds raised under this Act, or from other sources of local revenue, but not from the general or imperial revenues, except with the sanction of the Governor General in Council.

Government may lease public ferries by public auction or private contract.

5. It shall be lawful for Government to lease any public ferry by public auction or private contract, from year to year, or for any longer period not exceeding seven years, on such conditions as Government deems advisable, in which case a contract setting forth the conditions on which the ferry is to be held shall be executed by the contractor or farmer, and security shall be given by him for its due fulfilment, and any pecuniary forfeiture for breach of contract inserted in the deed of contract or conditions of sale by public auction, as the case may be, may be enforced in the same manner as a demand for the land-revenue under the law for the time being in force, so far as applicable.

Acts of servant of contractor.

6. When a public ferry has been duly leased or farmed out,

every servant of the lessee, contractor or farmer shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public which he shall be required to do by any regulation made by the lessee, contractor or farmer, and approved by Government, and of which regulation such servant shall have had notice, and

[a] Cl. (*d*) was added by Bom. Act II of 1878, s. 1.

every such servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing, and

every person employed by or on behalf of such lessee, contractor or farmer to do any act upon the ferries shall be deemed to be a servant of the lessee, contractor or farmer.

Table of tolls to be hung up.

7. It shall be the duty of every toll-keeper, toll-contractor or farmer to hang up in some conspicuous place at his ferry-station a table of tolls, written or printed in English and in the language of the district.

Penalty in respect to table of tolls.

8. Any toll-keeper or toll-contractor or farmer

who shall neglect to hang up and keep in good order and repair a table of tolls as aforesaid, or

who shall wilfully remove, alter or deface the same, or allow it to become illegible,

shall be liable on each conviction to a penalty not exceeding ten rupees.

Penalty for taking unlawful toll.

9. Any toll-keeper or other person appointed as in section 4, who shall neglect to take the due toll, or shall ask or take any toll other than is allowed by the table of tolls, and

any toll-contractor or farmer, or any person in the service of a toll-contractor or farmer, who shall ask or take any toll in excess of that allowed by the table of tolls,

shall be liable to a penalty not exceeding fifty rupees.

Penalty for wilful delay.

10. Any toll-keeper or other person appointed as in section 4, or toll-contractor or farmer or person in the service of a toll-contractor or farmer, who without good reason shall delay any passenger, cart, carriage, animal or goods, shall be liable to a penalty not exceeding fifty rupees.

Penalty for refusal or evasion of toll, and for obstruction or damage.

11. Any person

who shall refuse to pay the lawful toll, or

who, with intent of avoiding payment thereof, shall pass through any ferry-station without paying the toll, or

who shall obstruct in the execution of his duty any toll-keeper or other person lawfully engaged in the management or conduct of a public ferry, and also

any person who shall maliciously damage any toll-bar, boat or other thing belonging to a public ferry, or

who shall maliciously remove, alter, destroy or damage any table of tolls hung up as hereinbefore directed,

shall be liable to a penalty not exceeding fifty rupees, over and above the value of the damage done.

Officers who may make rules for regulation of public ferries.

12. The Senior Magistrate of Police in the city of Bombay, and the Collector of the district elsewhere, may, subject to such general directions as Government from time to time may issue, make rules to determine the number of passengers, carts, carriages and animals, and the quantity of goods, that may be carried in any public ferry-boat at one trip, and for the safe, speedy and convenient carriage and landing of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by toll-contractors or farmers, toll-keepers, ferrymen and other persons employed at a public ferry;

and any toll-contractor or farmer, toll-keeper, ferryman or other person infringing or disobeying any such rule shall be liable to make good any loss or damage caused thereby, which loss or damage may be summarily ascertained by any Magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

Penalty for conveying passengers or goods without license at Bombay.

13. Any person who, without the special license of Government, shall convey for hire any passenger, animal, cart, carriage or goods from any part of the city of Bombay across the harbour of Bombay to the mainland, or any of the adjacent islands, or from the mainland or any of the adjacent islands to any part of the city of Bombay, shall be liable to a penalty not exceeding five hundred rupees;

Proviso.

but this penalty shall not apply to the conveyance by boat for hire of passengers, animals, carts, carriages and goods from one part of the city of Bombay to any other part thereof, nor to any person specially hiring a boat for the conveyance of himself or his family or friends, or servants or goods, nor to the person letting such boat for hire for the said purpose.

Penalty for carrying passengers, etc., within three miles of public ferry.

14. Any person who, except as in the section last preceding, shall convey for hire any passenger, animal, cart, carriage or goods across any creek or river within the Presidency of Bombay to any point on the opposite shore or bank, not being more than three miles on either side above or below any public ferry, without the license of the Collector of the district in which the ferry is situated, shall be liable to a penalty not exceeding five hundred rupees.,

Penalty for conveying animal, etc., across creek

[a] **14A.** Any person who, except as is aforesaid, shall convey for hire any animal, cart, carriage or goods across any river or creek between two points both of which are less than three miles distant from a bridge at which under

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[a] S. 14A was inserted by Bom. Act II of 1878, s. 2.

the provisions of any law for the time being in force a toll is leviable on animals, carts or carriages; or — or ferry near toll-bridge;

who shall convey for hire any passenger, or any pálankín, dúlí, pálná or tonjon, or other thing across any river or creek between two such points as aforesaid when under the provisions of any law for the time being in force a toll is leviable at the bridge on passengers, pálankíns, dúlís, pálnás, tonjons or such other thing, — for conveying passengers, etc., near such bridge.

shall be liable to a penalty not exceeding five hundred rupees.

15. In the city of Bombay offences against this Act shall be summarily heard and determined by any Magistrate of Police, and all fines imposed may, in default of payment, be levied under the warrant of such Magistrate by distress and sale of the goods of the offender. — Trial of offences in Bombay;

In places not within the limits of the city of Bombay offences against this Act shall be inquired into and determined by any Magistrate exercising jurisdiction in the district in which the offence has been committed, and all fines imposed may be levied in the manner provided in sections 386, 387 and 389 of the Code of Criminal Procedure, 1882 [a]. — in places out of city. — Recovery of fines. — X of 1882.

[b] **16.** *Clause 1.*—In each district the proceeds from tolls and farms of public ferries, and from penalties levied under this Act, shall form the ferry-fund of such district, and shall be appropriated in the first instance to the maintenance of the public ferries of the district, and the improvement of the roads leading to the said ferries, the surplus, if any, being expended on local works in the district in such manner as Government may from time to time direct. — Application of proceeds of tolls, farms and penalties.

Clause 2.—The limits of each district for the purposes of this section shall be such as Government may from time to time determine.

Clause 3.—When a public ferry is partly in one district and partly in another, it shall be lawful for Government to assign to each district such proportion of the proceeds as they shall deem fit.

17. Government may delegate, under such restrictions as may seem fit, any of the powers conferred on it by this Act, *ex officio*, to any [c] Commissioner, Collector, Magistrate or other person. — Government may delegate powers.

18. This Act may be cited as the Bombay Ferries Act, 1868. — Short title.

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[a] The reference to s. 61 of Act XXV of 1861 is altered in accordance with Act X of 1872, Sch. V, and Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

[b] S. 16 is repealed, except in Aden and the City of Bombay, by Bom. Act I of 1884, s. 2, printed in Vol. III of this Code.

[c] Words repealed by Bom. Act III of 1886 are omitted.